

28.301 Policy.

Contractors shall carry insurance under the following circumstances:

(a)

(1)The Government requires any contractor subject to Cost Accounting Standard (CAS) 416 (48 CFR9004.416 (30.000, FAR looseleaf edition)) to obtain insurance, by purchase or self-coverage, for the perils to which the contractor is exposed, except when-

(i)The Government, by providing in the contract in accordance with law, agrees to indemnify the contractor under specified circumstances; or

(ii)The contract specifically relieves the contractor of liability for loss of or damage to Government property.

(2)The Government reserves the right to disapprove the purchase of any insurance coverage not in the Government's interest.

(3)Allowability of the insurance program's cost shall be determined in accordance with the criteria in [31.205-19](#).

(b)Contractors, whether or not their contracts are subject to CAS 416, are required by law and this regulation to provide insurance for certain types of perils (*e.g.*, workers' compensation). Insurance is mandatory also when commingling of property, type of operation, circumstances of ownership, or condition of the contract make it necessary for the protection of the Government. The minimum amounts of insurance required by this regulation (see [28.307-2](#)) may be reduced when a contract is to be performed outside the United States and its outlying areas. When more than one agency is involved, the agency responsible for review and approval of a contractor's insurance program shall coordinate with other interested agencies before acting on significant insurance matters.

(c)Contractors awarded nonpersonal services contracts for health care services are required to maintain medical liability insurance and indemnify the Government for liability producing acts or omissions by the contractor, its employees and agents (see [37.400](#)).

Parent topic: [Subpart 28.3 - Insurance](#)